

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Rafael Danam,

Case No. 2:19-cv-01606-JAD-DJA

## Plaintiff

V.

Elaine Kelley, et al.,

## Defendants

## **Order Adopting Report and Recommendation**

[ECF Nos. 8, 11, 18, 22]

Rafael Danam sues Elaine Kelley, the principal of his former employer, the Somerset

Academy Aliante Charter School, asserting constitutional and employment-related claims.

10 Because Danam was granted *in forma pauperis* status, the court screened his complaint; upon  
11 doing so, it dismissed that complaint with a detailed explanation of its deficiencies and gave  
12 Danam leave to amend.<sup>1</sup> Danam filed an amended complaint,<sup>2</sup> but it, too, fails to state a  
13 colorable claim for relief. So Magistrate Judge Albregts dismissed that amended complaint  
14 without prejudice and with additional detail about how to cure the deficiencies. He also  
15 recommends that I deny plaintiff's pending motions for summary judgment and injunctive  
16 relief,<sup>3</sup> along with the defendant's motion to dismiss.<sup>4</sup> The deadline for objections to that  
17 recommendation passed without objection or any request to extend the deadline to file one.

1 ECF No. 5.

2 ECF No. 7.

23 | <sup>3</sup> ECF Nos. 8, 11.

4 ECF No. 18.

1 " “[N]o review is required of a magistrate judge’s report and recommendation unless objections  
2 are filed.”<sup>5</sup>

3 IT IS THEREFORE ORDERED that the magistrate judge’s report and recommendation  
4 [ECF No. 22] is ADOPTED in full;

5 IT IS FURTHER ORDERED THAT the following motions [ECF Nos. 8, 11, 18] are  
6 DENIED as moot because there is yet no operative complaint:

- 7 • Plaintiff’s Motion for Summary Judgment Failure of Defendant to Pay Last Day  
8 of Wages from Wrongful Termination/Breach of Contract [ECF No. 8];
- 9 • Plaintiff’s Motion for Injunctive Order to Notify all parents of Subpoena for Court  
10 Trial for Plaintiff’s Wrongful Termination/Breach of Contract by Defendant [ECF  
11 No. 11]; and
- 12 • Defendant Elaine Kelley’s Motion to Dismiss Amended Complaint [ECF No. 18].

13 Dated: January 3, 2020

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15 U.S. District Judge Jennifer A. Dorsey  
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<sup>5</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).